

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

EFRAIN CASADO,

Petitioner,

v.

WARDEN SUZANNE HASTINGS,

Respondent.

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CIVIL ACTION NO.: 2:15-cv-16

ORDER

Presently before the Court is the Magistrate Judge's March 8, 2016, Report and Recommendation, dkt. no. 23, to which Petitioner Efrain Casado ("Casado") has filed Objections, dkt. no. 25. Casado also filed a Supplement to his 28 U.S.C. § 2241 Petition. Dkt. No. 24.

In the Supplement, Casado requests that the Court dismiss his § 2241 Petition without prejudice or hold this case in abeyance until the United States Supreme Court determines whether its decision in Johnson v. United States, ___ U.S. ___, 135 S. Ct. 2551 (June 26, 2015), applies retroactively to cases on collateral review. Casado cites the Supreme Court's recent granting of certiorari in Welch v. United States, ___ U.S. ___, No. 15-6418, 2016 WL 90594, at *1 (Jan. 8, 2016).

The Supreme Court has reached a decision in Welch and held that Johnson is a substantive rule which applies retroactively to cases on collateral review. Welch v. United States, ___ U.S. ___, No. 15-6418, 2016 WL 1551144 (Apr. 18, 2016). Thus, the Court sees no basis to hold this case in abeyance. However, the Court will allow Casado to voluntarily dismiss his Petition.

Accordingly, the Court **DISMISSES WITHOUT PREJUDICE** Casado's Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241, dkt. no. 1. Consequently, the Court need not address the Magistrate Judge's Report and Recommendation, dkt. no. 23. The Clerk of Court is **DIRECTED** to enter the appropriate judgment of voluntary dismissal and to **CLOSE** this case.

SO ORDERED, this 20TH day of May, 2016.

A handwritten signature in black ink, appearing to read 'L. Godbey Wood', is written over a horizontal line.

LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA